

Legislative Update for Year 2001

Motor Vehicle Code

HIT AND RUN PENALTIES

MCL 257.617 Increases penalties for leaving the scene of an accident causing serious impairment or death. Leaving the scene of an accident that causes serious impairment of a bodily function is a 5- year felony. Leaving the scene of an accident that caused death is a 15-year felony. **Effective: November 6, 2001**

FELONIOUS DRIVING

MCL 257.626c Moves the violation of felonious driving from the Penal Code into the Motor Vehicle Code and expands the definition to include an area designated for the parking of vehicles and places open to the general public or generally accessible to motor vehicles. **Effective: February 1, 2002**

CONSTRUCTION ZONE PENALTIES

MCL 257.303, 319, 320a, 601b, 732 Revises the Motor Vehicle Code to prescribe penalties and points for committing a moving violation with criminal penalties that causes injury or death to a person working in a construction zone or operating an implement of husbandry on a highway. **Effective: October 1, 2001**

Domestic Violence/PPOs

REPORTING DOMESTIC VIOLENCE CRIMES

MCL 28.257 Requires the reporting of domestic violence crimes, not just domestic assaults. A domestic violence crime is any alleged crime where the suspected perpetrator has one of the following relationships with the victim: spouse or former spouse, child in common, or past or present dating relationship. **Effective: April 1, 2002**

STANDARD DOMESTIC VIOLENCE INCIDENT REPORT

MCL 764.15 Requires the Department of State Police to develop a standard domestic violence incident report for field use by 10-1-02. **Effective: April 1, 2002**

DOMESTIC ASSAULTS AND INTERIM BOND

MCL 780.582a Persons arrested with or without a warrant for assault or aggravated assault involving a domestic relationship shall no longer be allowed to be released after 20 hours, if they have not been arraigned. Arrestees must be held until they can be arraigned or have interim bond set by a judge or magistrate. **Effective: April 1, 2002**

DATING RELATIONSHIP ADDED TO DEFINITION OF DOMESTIC RELATIONSHIPS

MCL 750.81 and 750.81a Current and former "dating relationships" are included with spouse or former spouse, child in common, and reside or formerly resided in the

definition of a domestic relationship. A dating relationship is defined as “frequent, intimate associations primarily characterized by the expectation of affectional involvement.” The term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. Also, the penalty for non-domestic assault or battery is increased to a 93-day misdemeanor, thus allowing warrantless arrest authority. Effective: April 1, 2002

DOMESTIC VIOLENCE FATALITY REVIEW TEAM

MCL 400.1511 Creates the Domestic Violence Prevention and Treatment Board to authorize the state and a county or counties to establish interagency domestic violence fatality review teams. Teams may review fatal and near-fatal domestic violence incidents, including suicides. **Effective: November 1, 2002**

PROTECTION ORDERS FROM OTHER STATES, INDIAN TRIBES, OR US TERRITORY

MCL 600.2950h-2950m and 764.15b Valid foreign protection orders are subject to the same arrest, enforcement procedures, and penalties as if they were issued in Michigan. “Foreign protection orders” are orders issued by a court of another state, Indian tribe, or U.S. Territory that prevent a person’s violent or threatening acts, harassment, contact, or communication with another person. Violation is a 93-day misdemeanor. **Effective: April 1, 2002**

Fingerprinting

FINGERPRINTING/ PPOs

MCL 28.242, 28.243 Fingerprints must be taken for a violation of a personal protection order. **Effective November 2, 2001**

FINGERPRINTING/JUVENILES

MCL 28.241a All juveniles apprehended for a misdemeanor of 93 days or above or a felony shall be fingerprinted upon apprehension. **Effective: April 1, 2002**

FINGERPRINTING/REFUSAL

MCL 28.243a Persons who refuse to allow or resist the taking of fingerprints no longer must be informed that their refusal constitutes a misdemeanor. **Effective: April 1, 2002**

FINGERPRINTING/USE

MCL 28.248 Fingerprint impressions obtained under a law or rule for non-criminal identification purposes may be used for criminal identification purposes unless prohibited by law or rule. **Effective: April 1, 2002**

DNA

CRIMINAL D.N.A.

MCL 28.176, 803.307a, 28.172, 791.233d, 712A.18k, 750.520m, 803.225a

Requires the sheriff or investigating law enforcement agency, as ordered by the court, to collect a DNA sample, prior to sentencing, from all convicted felons. It also requires the collection of DNA samples from the following misdemeanors or local ordinances substantially corresponding to misdemeanors:

- Enticing a child for immoral purposes
- Disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution
- Indecent exposure
- First or second prostitution violations
- Leasing a house for purposes of prostitution
- Female under the age 17 in a house of prostitution

Effective: January 1, 2002

Miscellaneous Criminal Law

AIRPORT WEAPONS BAN

MCL 259.80f Prohibits individuals from possessing, carrying, or attempting to possess or carry a firearm, explosive, knife with a blade of any length, razor, box cutter, or item with a similar blade, or any dangerous weapon in the “sterile area” of an airport. Police officers are exempt. **Effective: April 1, 2002**

TERRORIST THREATS

MCL 750.200i Establishes a felony, rather than a misdemeanor, penalty for making a false threat involving a biological, chemical or radioactive substance or device.

Effective: October 23, 2001

POSSESSION OF A FIREARM WHILE UNDER THE INFLUENCE

MCL 750.237 Raises the penalty for possessing a firearm while under the influence of alcohol or a controlled substance, with a BAC of .08 or more, or if the individual's ability to use a firearm is visibly impaired to a 93-day misdemeanor. A violation of this section that causes serious impairment of a bodily function is a 5-year felony. A violation of this section that causes death is a 15-year felony. Officers who have probable cause to believe an individual has violated this section may require a chemical test.

Effective: February 1, 2002

FETUS/EMBRYO KILLING

MCL 750.90a and 750.90b Revises the penal code by including penalties for the death of an embryo or fetus due to an assault against a pregnant individual. **Effective: June 1, 2001**

SEX CRIME EVIDENCE

MCL 767.24 Eliminates the statute of limitations for first degree criminal sexual conduct. The statute of limitations have been increased for second, third, and fourth degree criminal sexual conduct as well as assault with intent to commit criminal sexual conduct up to ten years after the offense or the victim's 21st birthday, whichever is later. If DNA evidence is obtained from an unidentified individual, there is no statute of limitation. However, after the individual is identified, the case shall be filed within ten years or by the victim's 21st birthday, whichever is later. **Effective: May 2, 2001**

FRAUDULENT EMPLOYMENT

MCL 750.217e Prohibits persons not employed by the Family Independence Agency from informing or representing that they are employees of that agency. Violation is a 2-year felony. **Effective: September 1, 2001**

THREAT OF HARM TO F.I.A. WORKERS

MCL 750.81c A person who communicates to any person a threat that he or she will physically harm an individual who is an employee of the Family Independence Agency and who does so because that person is employed by that agency is guilty of a 1-year misdemeanor. **Effective: September 1, 2001**

DEMONSTRATION FIRES

MCL 29.6 Requires the state fire marshal to investigate and report about a demonstration fire that results in the death of a non-firefighter.
Effective: June 29, 2001